

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

FACTOR 2 MULTIMEDIA SYSTEMS, LLC,

Plaintiff,

v.

EARLY WARNING SERVICES, LLC; *et al.*

Defendant.

Civ. Action No. 6:24-cv-00362-XR

JURY TRIAL REQUESTED

**DEFENDANT CAPITAL ONE, NATIONAL ASSOCIATION'S ADVISORY TO THE
CLERK OF COURT**

Defendant Capital One, National Association in the above-captioned case elects as follows
(please select only one of the following options):

I consent to proceed before a United States Magistrate Judge in accordance with provisions of Title 28 U.S.C. Section 636. Defendant in the above-captioned case waives the right to proceed before a United States District Judge and consents to have a United States Magistrate Judge conduct any and all further proceedings in this case, including rendering a decision, and to order the entry of final judgment. Any appeal shall be taken to the United States Court of Appeals for the Fifth Circuit in accordance with Title 28 U.S.C. Section 636(c)(3).

I do not consent to proceed before a United States Magistrate Judge. Defendant in the above-captioned case elects **not** to have this case decided by a United States Magistrate Judge and prefers that this case proceed before the United States

Dated: December 11, 2024

Respectfully submitted,

/s/ Charles E. Phipps

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*Counsel for Defendant
Capital One, National Association*

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who have consented to electronic service are being served with a copy of the foregoing document via the Court's CM/ECF system on December 11, 2024.

/s/ Charles E. Phipps
Charles E. Phipps